Criminal Revision No. 927 of 2001

Hon. Irshad Hussain, J.

Heard.

The appeal was presented and there was delay. Application under section 5 of the Indian Limitation Act was preferred which was dismissed for non-prosecution. Considering the facts and circumstances, the learned Addl. Sessions Judge should have considered the cause of delay while passing the impugned order dated 21.08.2000.

Considering the nature of the case the order suffers from impropriety and, therefore, the same is liable to be set aside. Order dated 21.08.2000 of dismissal of the application under Section 5 of the Indian Limitation Act is set aside. Learned Sessions Judge shall rehear and decide the application on merit and proceed to decide the appeal accordingly.

(Irshad Hussain, J.)

3.4.2002.

Bhagat.